

## AMENDMENTS

### In the Claims:

Please cancel claims 10 and 24.

In the claims, please amend claims 1, 11, 14-17, 25-28, 76-77, 142, 148, 159-161, and 163 as follows.

After the amendments are made, the claims read as follows. This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) An isolated or recombinant nucleic acid comprising a polynucleotide sequence that is 95% or more identical to SEQ ID NO:1, ~~wherein the sequence is distinct from EST Accession no. AA098865, said EST Accession no. being~~  
TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCGGAT  
TCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACGCTCGTGACCT  
TCGCAGGGACGCTGCT (SEQ ID NO: 37) and wherein said nucleic acid encodes a polypeptide that is an apoptosis inhibitor.

2.-3. (Cancelled)

4. (Previously presented). The isolated or recombinant nucleic acid of claim 1, that is 95% identical to SEQ ID NO:1.

5. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 50 kB.

6. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 25 kB.

7. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 10 kB.

8. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 5 kB.

9. (Previously presented) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than 2.5 kB.

10. (Cancelled))

11. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is selected from:

(a) SEQ ID NO: 1;

(b) SEQ ID NO: 1, wherein one or more T's are U; and

(c) nucleic acid sequences complementary to (a) or (b); ~~and~~

~~(d) subsequences of either a, b or c that are at least 25 base pairs long.~~

12. (Original) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is attached to a substrate.

13. (Previously presented) A composition comprising a plurality of sequences, each of claim 1, attached to a substrate.

14. (Currently amended) The composition of claim 13, wherein the sequences are attached at defined positions of the substrate.

15. (Currently amended) An isolated nucleic acid that hybridizes to the sequence set forth as SEQ ID NO:1 under stringent hybridization conditions, wherein the sequence nucleic acid is greater than 700 base pairs in length ~~distinct from Accession no. AA098865, said Accession no. being~~

TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCGGAT  
TCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACGCTCGTGACCT  
TCGCAGGGACGCTGCT (SEQ ID NO: 37).

16. (Currently amended) The isolated nucleic acid of claim 15, wherein the sequence has a length of ~~701-1000~~ 12-30, 30-50, 50-100, 100-250, 500-1000, 1000-2500, 2500-5000 or 5000-10000 base pairs.

17. (Currently amended) An expression cassette, comprising a polynucleotide sequence that is 95% or more identical to SEQ ID NO:1 operably linked to an expression control element, wherein said polynucleotide sequence encodes a polypeptide that inhibits apoptosis.

18. (Original) The expression cassette of claim 17, wherein the expression control element comprises a promoter or enhancer.

19. (Original) The expression cassette of claim 17, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

20. (Original) The expression cassette of claim 17 further comprising a vector.

21. (Original) The expression cassette of claim 20, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

22. (Original) The expression cassette of claim 20, wherein the vector comprises a viral vector.

23. (Previously presented) The expression cassette of claim 22, wherein the viral vector is an adenovirus.

24. (Cancelled)

25. (Currently amended) The expression cassette of claim [[24]] 17, wherein the polypeptide comprises SEQ ID NO: 2.

26. (Currently amended) An isolated transformed cell comprising [[a]] the nucleic acid of claim 1.

27. (Currently amended) The isolated transformed cell of claim 26, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

28. (Currently amended) The isolated transformed cell of claim 26, where the cell is a mammalian cell and where the mammalian cell is human.

29.-75. (Canceled)

76. (Currently amended) A method of producing a polypeptide comprising expressing a nucleic acid encoding an amino acid sequence that is at least [[65%]] 90% identical to SEQ ID NO:2, wherein the amino acid sequence is greater than 700 base pairs in length, and further wherein said amino acid sequence encodes a polypeptide that inhibits apoptosis.

77. (Currently amended) The method of claim 76, wherein the nucleic acid is expressed in solution, or in a cell in vitro ~~or in vivo~~.

78.-141. (Cancelled)

142. (Currently amended) An isolated or recombinant nucleic acid comprising a polynucleotide sequence of SEQ ID NO:1, ~~wherein the sequence is distinct from EST Accession no. AA098865, said EST Accession no. being~~  
TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGGCGGAT  
TCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACGCTCGTGACCT  
TCGCAGGGACGCTGCT (SEQ ID NO: 37), wherein the sequence is greater than 700 base pairs in length, and further wherein the encoded polypeptide is an apoptosis inhibitor.

143. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 50 kB.

144. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 25 kB.

145. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 10 kB.

146. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 5 kB.

147. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 2.5 kB.

148. (Currently amended) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is from 701~~45~~ base pairs to 2.5 kB in length.

149. (Previously presented) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is attached to a substrate.

150. (Previously presented) A composition comprising a plurality of sequences, each of claim 142, attached to a substrate.

151. (Previously presented) The composition of claim 150, wherein the sequences are attached at defined positions of the substrate.

152. (Previously presented) An expression cassette, comprising the polynucleotide sequence of claim 142 operably linked to an expression control element.

153. (Previously presented) The expression cassette of claim 152, wherein the expression control element comprises a promoter or enhancer.

154. (Previously presented) The expression cassette of claim 152, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

155. (Previously presented) The expression cassette of claim 152 further comprising a vector.

156. (Previously presented) The expression cassette of claim 155, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

157. (Previously presented) The expression cassette of claim 155, wherein the vector comprises a viral vector.

158. (Previously presented) The expression cassette of claim 157, wherein the viral vector is an adenovirus.

159. (Currently amended) [[A]] An isolated transformed cell comprising a nucleic acid of claim 142.

160. (Currently amended) The isolated transformed cell of claim 159, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

161. (Currently amended) The isolated transformed cell of claim 160, where the cell is a mammalian cell and where the mammalian cell is human.

162. (Previously presented) A method of producing a polypeptide comprising expressing the nucleic acid of claim 142.

163. (Currently amended) The method of claim 162, wherein the nucleic acid is expressed in solution, or in a cell in vitro ~~or in vivo~~.